

Anniston, Alabama

July 7, 2020

The City Council of the City of Anniston, Alabama, met in Regular Session in the Main Hall at the Anniston City Meeting Center in the City of Anniston, Alabama, on Tuesday, July 7, 2020, at approximately 5:40 o'clock p.m.

Benjamin Little, Councilmember, prayed the Invocation.

Benjamin Little, Councilmember, led the Pledge of Allegiance to the Flag.

Mayor Draper called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Jenkins, Reddick, Little, Harris, and Draper; absent: none. A quorum was present and the meeting opened for the transaction of business.

Steven Folks, City Manager, was present.

Bruce Downey, City Attorney, was present virtually via FaceTime.

Council Member Jenkins made a motion to waive the reading of and approve the minutes of the June 16, 2020 Regular Called meeting. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the June 16, 2020 Regular Meeting minutes were approved.

Mayor Draper made a motion to adopt the agenda with the inclusion of item e under motions to recommend and encourage everyone in Anniston to wear face coverings and add item c to the consent agenda, a Resolution appointing Mr. Jackson to the Longleaf Botanical Gardens Board. The motion was seconded by Council member Reddick and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the agenda was adopted.

Mayor Draper opened a public hearing to receive comments regarding a Special Economic Development Agreement-Phrase 2 by the City and D&K James, LLC.

Mayor Draper stated that the City is committing additional funds to this residential development project. He stated that the City had previously committed funds to help with the cost of the overall sewer system in Golden Springs and this 772 resolution would be to provide additional funds up to \$200,000.00 for sewage improvements within the development.

Council Member Little stated that the James Brothers have been working on several housing developments in the City of Anniston and they have done a very good job. He stated that he commends them on taking on this project. He stated that the public should be aware of the economic benefit once the 128 homes are built.

Council Member Harris stated that Council Member Jenkins' experience in architecture and expertise has been valuable for the project. She stated that the water and sewer board, the county, and the city all came together and this is a joint partnership.

Mayor Draper stated that in addition to the benefit from property taxes, this will greatly increase the roof count in that part of the City. He stated that this is significant and will be the largest residential development in Anniston in the last 50 years.

Mayor Draper closed the public hearing to receive comments regarding a Special Economic Development Agreement-Phrase 2 by the City and D&K James, LLC.

Council Member Little made a motion to remove item (a) A Resolution over-ruling objections to the abatement of identified nuisances Group 2020-02 Grass/Debris/Vehicles, from the table and place on the floor for consideration. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Mayor Draper opened a public hearing to receive public comments regarding a Resolution over-ruling objections to the abatement of identified nuisances Group 2020-02 Grass/Debris/Vehicles.

Mayor Draper stated that the only affected address is 1617 Cobb Ave.

Mayor Draper closed the public hearing to receive public comments regarding a Resolution over-ruling objections to the abatement of identified nuisances Group 2020-02 Grass/Debris/Vehicles.

Council Member Jenkins made a motion for passage and adoption of Resolution over-ruling objections to the abatement of identified nuisances Group 2020-02 Grass/Debris/Vehicles (20-R-34). The motion was seconded by Mayor Draper and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and resolution 20-R-34 was passed and adopted.

Council Member Little made a motion to approve the consent agenda:

- a) Resolution appointing member(s) to the Anniston Museum of Natural History
- b) Motion to install speed humps on 5th Street
- c) Resolution appointing member(s) to the Anniston Longleaf Botanical Gardens Board

The motion was seconded by Council Member Reddick and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the consent agenda is approved.

Council Member Harris made a motion to award bid to Yamaha Golf Car Company a 5-year (60 month) lease/purchase with a \$1.00 buyout negotiated at the end of the lease for 59 gas golf carts in the amount of \$72.95/monthly unit cost (\$4,304.05/total monthly cost) and 4 Gas Maintenance Utility Vehicles in the amount of \$139.49/monthly unit cost (\$557.96/total monthly cost). The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Council Member Reddick made a motion to award bid to Triple J Construction, LLC for the new sidewalk along Crane Avenue from West 14th Street to the Bus Stop at Wesley Park in the amount of \$64,510.00 contingent upon successful submission of required bonds, insurance, etc. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Council Member Jenkins made a motion to approve Jack Draper as the Voting Delegate and Ben Little as the 1st Alternate Voting Delegate for the Alabama League of Municipalities Annual Business Session on July 23, 2020. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Council Member Little made a motion to pull all City funds from BB&T bank and move to another financial institution. The motion was seconded by Council Member Reddick.

Council Member Little stated that the purpose of this is because BB&T was approached to do some work in remodeling some homes and help in the community. He stated that one individual said he would help but they never heard back from him; and the reason they engaged all of the banks in the City was because of the CRA, community reinvestment act, to see what the banks were doing to reinvest back into the community.

Council Member Reddick stated that if the City is investing their income into a bank, the bank should be giving back to the citizens in Anniston. He stated that they put enough money into these accounts at the beginning of the year, and the banks are basically getting interest rates back from the City's investment.

Council Member Jenkins stated that he would like for them to have a path before they act on this. He stated that he is a proponent of a community bank and while this motion is valid it is incomplete. He asked if Council Member Little and Reddick would be amenable to table the motion until they can come back with a complete piece that addresses what dollars are in these banks, what accounts are in various banks, what are our availabilities, what are our interest rates, etc. in order to make an educated decision.

Council Member Jenkins made a motion to table the motion to pull all City funds from BB&T bank and move to another financial institution. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris; abstentions: Mayor Draper; nays: none. The motion carried and was tabled.

Mayor Draper made a motion to strongly recommend and encourage everyone in Anniston to wear face coverings during the Covid-19 State of Emergency. The motion was seconded by Council Member Reddick and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Mayor Draper introduced an ordinance adopting article VII to Chapter 29 of the Code of the City of Anniston, Alabama, 1981, to provide for the License and Regulation of Sidewalk Cafes; Repealing Section 29.28.1- Section 3.94 to provide for consumption of alcoholic beverages (1st Reading):

ORDINANCE NO. 20-O-11

ADOPTING CHAPTER 29, ARTICLE VII OF THE CODE OF THE CITY OF ANNISTON, ALABAMA, 1981, TO PROVIDE FOR THE LICENSE AND REGULATION OF SIDEWALK CAFES; REPEALING SECTION 29.28.1 – OUTDOOR DINING ON SIDEWALKS; AND ADOPTING SECTION 3.94 TO PROVIDE FOR CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN SIDEWALK CAFES

NOW THEREFORE, BE IT ORDAINED, by the Council for the City of Anniston, Alabama (the "Council"), as follows:

Section 1. The Council hereby repeals Chapter 29, Article I, Section 29.28.1 of "The Code of the City of Anniston, Alabama, 1981".

Section 2. The Council adopts and enacts the following laws to provide for the license and regulation of Sidewalk Cafés within the corporate limits of the City of Anniston, codified as Chapter 29, Article VII – Sidewalk Cafés, Sections 29.98 through 29.102 of "The Code of the City of Anniston, Alabama, 1981", to state in its entirety as follows:

ARTICLE VII – SIDEWALK CAFÉS

Sec. 29.98 – Applicability of article; definitions.

(a) Applicability. The provisions of this article shall apply to the establishment, operations, and maintenance of sidewalk cafés within the corporate limits of the city.

(b) Definitions. For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them in this section:

(1) Sidewalk means the portion of any public right of way between the curblin and the adjacent property line that is intended for the use of pedestrians.

(2) Sidewalk café means the location and use of tables, chairs, furnishings, articles, and associated equipment within an area of the sidewalk pursuant to a permit issued in accordance with this article.

(3) Sidewalk Café Manual means the materials adopted by resolution of the Council, as amended from time to time, setting forth the standards, specifications, design criteria, and other regulations for a sidewalk café.

Sec. 29.99 – Sidewalk café permit.

(a) Permit required. It shall be unlawful for any person to create, establish, maintain, or operate a sidewalk café without a currently valid permit issued in accordance with this article.

(b) Permit fee. Each sidewalk café permit shall be valid for a period of one year, unless revoked prior to its expiration. The city shall charge and receive payment of a fee in the amount of two hundred dollars (\$200.00) before any sidewalk café permit may be issued.

(c) Revocation of permits. Any permit issued for a sidewalk café shall be subject to revocation by the Fire Marshal, as the person in charge of the fire prevention division, for violation of the requirements set forth in this article, when necessary for a public purpose, or when necessary to protect the public health, safety or welfare.

(d) No property interest granted. A sidewalk café permit issued pursuant to this article is a mere license and shall not be considered, construed or represented to be a grant of an irrevocable privilege, property right, or conveyance of any interest in real property. The city retains full rights and control over all rights-of-way and reserves the right to exercise full police powers, traffic control, pedestrian access, and parking regulations and other ordinances, over the area of any sidewalk cafe.

(e) Non-transferable permit. Any change or transfer of ownership of a sidewalk café for which a permit has been or shall be granted under this article shall terminate such permit and shall require a new application and a new permit in conformance with all the requirements of this article as upon an original application. No sidewalk cafe shall be operated under any name other than that set forth in the permit granted under this article.

Sec. 29.100 – Application and approval.

(a) Application. Any business desiring to be issued a sidewalk café permit shall submit an application to the Building and Safety Division in the form provided by the city, together with such drawings, photographs, plans, or other documentation as may be required by the city. All applications shall contain, at a minimum, the following:

(1) Name, address and telephone number of each individual owner, member, partner, manager, director and executive of the business;

(2) The trade or corporate name under which the applicant does business or proposes to do business;

(3) The location and description of each place where the applicant intends to establish or operate a sidewalk café;

(4) The name and address of the person holding title to the property on which the business is located and, if the applicant is a lessee of such property, a copy of the lease evidencing that fact;

(5) Three (3) sets of scale drawings clearly illustrating:

a. The number, type, materials, color and location of all tables, chairs, umbrellas or other furnishings or fixtures intended to be placed at each sidewalk cafe;

b. The location of any doors leading from any abutting buildings to each sidewalk cafe;

c. The number of feet and location of unobstructed space permitting free passage of pedestrian traffic around each sidewalk cafe;

d. The location of where any food or drink is intended to be prepared;

e. The type of temporary protective barrier separating the eating and serving area of each sidewalk cafe from pedestrian traffic;

f. The location of all existing fire hydrants, parking meters, planters, trash receptacles, outdoor lighting fixtures, utility poles, benches, handicapped ramps, street furniture and any other permanent public fixtures;

g. The square footage of area occupied by the sidewalk cafe;

h. Any additional information concerning the nature or design of each such sidewalk cafe that the Building and Safety Division may request.

(b) Application and Plan Review Fee. Before any application may be accepted, the applicant shall pay to the city an application and plan review fee in the amount of two hundred and fifty dollars (\$250.00).

(c) Initial plan review. Upon submission of a completed application and payment of the application and plan review fee, the Building and Safety Division shall review the application and required plan materials for compliance with the requirements of this article, including the Sidewalk Café Manual, and other ordinances and codes of the city. When the application involves alterations or changes within the scope of the Anniston Historic Preservation Commission's review, the city staff shall refer the application and plan materials to the Commission for consideration and approval.

(d) Council approval. Any application that is approved after the initial plan review shall be presented to the city manager to be added to the next available council meeting agenda. No sidewalk café permit may be issued without approval of the council after a public hearing.

(e) Notice of Hearing. No less than six (6) days before the council meeting during which the application for a sidewalk café permit will be considered, the city manager shall cause notice to be published one time in the newspaper with the largest general circulation within the city. The notice shall state that a public hearing will be held at a certain time, place and date on the applicant's request to be granted a sidewalk café permit and further state that the public will be afforded an opportunity to be heard in favor or against the approval of the application. Additionally, the applicant shall deliver a copy of the notice to all residents, properties and businesses located within five hundred (500) feet of the area where the sidewalk café is proposed to be located.

Sec. 29.101 – Requirements for sidewalk café.

(a) Sidewalk café Manual. A sidewalk café shall meet and adhere to the requirements and design criteria set forth in the Sidewalk Café Manual, as adopted by resolution of the council and as may be amended from time to time.

(b) Boundaries. The area in which a sidewalk cafe is operated shall be adjacent to the business of which it is an extension and shall not extend parallel in either direction beyond the outside front wall of the business and/or side wall if the business is on a corner lot.

(c) Sanitation. Each business operating a sidewalk café shall be solely responsible for keeping the area of the sidewalk café and the public right-of-way in front of the business clean, sanitary, and free of litter.

(d) Indemnity. No sidewalk café permit shall be granted to any person until such person shall have first filed with the city manager an agreement to indemnify and hold harmless the city, its agents, representatives, or employees from any and all claims, damages, judgments, costs, or expenses, including attorney's fees, which they may incur or be required to pay because of any bodily injury, including death, or property damage suffered by any person as a result of or related in any way to the operation and maintenance of the sidewalk cafe for which the permit is issued, even though such bodily injury or property damage results from negligence on the part of the city, its agents, representatives or employees, or which otherwise might be imputed to any of them.

(e) Liability insurance. No sidewalk café permit shall be granted to any person until such person shall have first filed with the city manager a certificate of insurance showing that the person carries comprehensive general liability insurance coverage issued by an insurance company licensed to do business in the state. Limits of liability for general liability insurance shall be at a minimum, five hundred thousand dollars (\$500,000.00) per occurrence, five hundred thousand dollars (\$500,000.00) personal and advertising injury, one million dollars (\$1,000,000.00) general aggregate and \$1,000,000.00

products/completed operations aggregate. The city will be named as an additional insured under the general liability insurance coverage. The certificate of insurance shall provide the city with thirty (30) days' written notice of cancellation or material change in the general liability insurance coverage. The cancellation of any such coverage shall have the effect of suspending the permit of such to operate the outdoor cafe covered thereby until a new certificate of insurance complying with the provisions of this section is filed with the city manager.

Sec. 29.102 – Alcoholic beverages.

The issuance of a permit, pursuant to the terms and conditions of this article, allows the consumption of alcoholic beverages within the sidewalk café if the business has also obtained the appropriate alcoholic beverage licenses which, pursuant to state alcoholic beverage control rules and regulations, would include the sidewalk cafe area. A sidewalk cafe permit shall not, in and of itself, authorize, permit, or allow the serving and/or dispensing of alcoholic beverages within the sidewalk cafe. Any dispensing, serving or consuming of alcoholic beverages in the sidewalk café area must be strictly in accordance with all applicable laws, ordinances and regulations, including those of the state alcoholic beverage control board. To the extent that any such license has been issued and alcoholic beverages may be served, then the same shall not be taken outside of the permitted area of the sidewalk café.

Section 3. The Council hereby adopts and enacts Chapter 3, Article VIII, Section 3.94 of “The Code of the City of Anniston, Alabama, 1981” to state in its entirety as follows:

Sec. 3.94 – Sidewalk Cafés

Notwithstanding any other provision of this article, the patrons, guests, or members of a district licensee with a currently valid sidewalk café permit, issued in accordance with Chapter 29, Article VII, may exit the main licensed premises with an open container of alcoholic beverages in order to go to and from the sidewalk café and may consume alcoholic beverages within the confines of the sidewalk café. The district licensee may serve, dispense, or sell alcoholic beverages within the sidewalk café if permitted by the applicable state laws and the regulations and rules of the Alabama Alcohol Beverage Control Board.

Section 4. This Ordinance shall become effective immediately upon its adoption and publication one time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama. The City Clerk is directed to cause a copy of this Ordinance to be published one time in said newspaper.

PASSED and ADOPTED this 7th day of July, 2020.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

Jack Draper, Mayor
Jay W. Jenkins, Council Member
David E. Reddick, Council Member
Ben Little, Council Member
Millie Harris, Council Member

Mayor Draper made a motion to read Ordinance 20-R-11, by title only. The motion was seconded by Council Member Reddick.

Mayor Draper opened a public hearing to receive public comments on reading Ordinance 20-R-11 by title only. No One Spoke. Mayor Draper closed the public hearing to receive public comments on reading Ordinance 20-R-11 by title only.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Ordinance 20-R-11 will be read by title only.

Council Member Reddick made a motion for unanimous consent for immediate consideration of Ordinance 20-R-11. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Council Member Jenkins made a motion for passage and adoption of Ordinance 20-O-11. The motion was seconded by Council Member Reddick.

Council Member Little stated for the public that a motion of this nature allows the council to consider the item up at the same meeting and not wait until the next meeting. He stated that if one of them were to say no, than they would not be able to do it.

Council Member Harris stated that she is glad they are doing this tonight, to be able to give the city's restaurants some relief during this COVID-19 crisis.

Council Member Jenkins stated that this has been in the works for 2-3 years and it's long overdue. He stated that it will add some life into our downtown and a lot of positives can come from this.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and ordinance 20-O-11 was passed and adopted.

Mayor Draper introduced resolution 20-R-36:

RESOLUTION NO. 20-R-36

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION UNDER THE FY 2021 TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM

WHEREAS, the Alabama Department of Transportation has the authority to award grants under the FY 2021 Transportation Alternative Set-Aside Program; and

WHEREAS, the City of Anniston recognizes the need for grant for infrastructure improvements on West 15th Street;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston as follows:

1. That the submission of a grant application under said program is authorized in the amount not to exceed \$640,000;

2. The City of Anniston will commit the balance of the project cost estimated at \$ 160,000 and the cost of design engineering;
3. That the Mayor and City Manager are authorized to sign any and all documents to obtain said grant; and
4. That the City will be responsible for maintaining all improvements made under said program.

PASSED and ADOPTED this the 7th day of July, 2020.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

Jack Draper, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Benjamin L. Little, Council Member

Millie Harris, Council Member

Council Member Harris made a motion for passage and adoption of Resolution 20-R-36. The motion was seconded by Council Member Reddick and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Resolution 20-R-36 was passed and adopted.

Mayor Draper introduced Resolution 20-R-37:

RESOLUTION NO. 20-R-37

A RESOLUTION AUTHORIZING A SPECIAL ECONOMIC DEVELOPMENT AGREEMENT BY THE CITY OF ANNISTON, ALABAMA AND D & K JAMES, LLC

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA (THE "COUNCIL"), AS GOVERNING BODY OF THE CITY OF ANNISTON, ALABAMA (the "Municipality"), as follows:

Section 1. The Council, upon evidence duly presented to and considered by it, has found and determined, and does hereby find, determine and declare as follows:

(a) Pursuant to the applicable laws of the State of Alabama, the Municipality and D & K James, LLC (the "Developer") have prepared that certain Special Economic Development Agreement – Phase 2 to be dated the date of delivery (the "Special Economic Development Agreement"), as set forth hereinafter, for the purposes referenced therein.

(b) The Municipality is without absolute authority or power under any local constitutional amendment to do any of the actions or undertakings referenced in Amendment No. 772 of the Constitution of Alabama of 1901, as amended ("Amendment No. 772").

(c) The Municipality is authorized under Amendment No. 772 to become indebted, and to issue obligations as referenced therein, upon the full faith and credit of the Municipality, to a principal

amount not exceeding 50% of the assessed value of taxable property therein, as determined for state taxation, in furtherance of the powers and authorities granted in Amendment No. 772.

(d) Pursuant to, and for the purposes of, Amendment No. 772, it is necessary, desirable and in the public interest for the Municipality to grant public funds for the economic development of the Municipality, and for such purposes to execute and deliver the Special Economic Development Agreement.

(e) The financial obligations of the Municipality created pursuant to the Special Economic Development Agreement shall not exceed \$200,000.

(f) The expenditure of public funds for the purposes specified in the Special Economic Development Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

(g) (1) On June 27, 2020, the Municipality caused to be published in The Anniston Star, which newspaper has the largest circulation in the Municipality, the notice required by Amendment No. 772(c)(2), a true and correct copy of which notice is set forth as follows:

LEGAL NOTICE OF PROPOSED ECONOMIC DEVELOPMENT ACTION AND RELATED PUBLIC EXPENDITURES
BY THE CITY OF ANNISTON, ALABAMA

Notice is hereby given that the City Council (the "Council") of the City of Anniston, Alabama (the "City") will meet in public session at 5:30 p.m. on July 7, 2020 at the City Meeting Center, 1615 Noble Street, Anniston, Alabama for the purpose of considering the transaction of business that may properly come before the Council, such business to include, but not be limited to, the authorization by the Council, pursuant to Amendment No. 772 of the Constitution of Alabama of 1901, as amended, of a resolution (the "Resolution") approving the execution and delivery of a Special Economic Development Agreement – Phase 2 (the "City Agreement") by the City and D&K James, LLC, an Alabama limited liability company (the "Developer"), to be dated the date of delivery, pursuant to which City Agreement the City shall reimburse the Developer for certain infrastructure incurred in the construction and installation of sanitary sewer facilities to service the Village at the Springs residential subdivision in an amount not to exceed \$200,000 for purposes referenced in the City Agreement. The reimbursement of said infrastructure costs will offset a portion of the Developer's total costs associated with the construction and development of a residential subdivision located within the corporate limits of the City. The City seeks to achieve, by undertaking its obligations pursuant to the City Agreement and the Resolution, to advance the economic base of the City and the prosperity and welfare of the citizens and taxpayers of the City, and to attract additional residents, businesses, development and investment in the areas served by the infrastructure. The business entity to whom or for whose benefit the City propose to lend its credit or grant public funds or thing of value is the Developer and those businesses who will use or benefit from the infrastructure. All interested persons may examine and review the City Agreement, the Resolution, and all other relevant documents and make copies thereof at personal expense, at the offices of the City Manager during normal business hours, before and after the meeting referenced herein. Further information concerning the information in this notice can be obtained from the City Manager at the offices thereof during normal business hours.

(2) The information set forth in said notice is true and correct.

(3) Publication of said notice is hereby ratified and confirmed.

(h) (1) The total indebtedness of the Municipality chargeable against the debt limitation for the Municipality prescribed by Section 225 of the Constitution of Alabama of 1901, as amended, (which indebtedness does not include the obligations under the Special Project Development Agreement – Phase 2 issued under Amendment No. 772), is not more than twenty percent of the assessed valuation of the taxable property in the Municipality for the preceding fiscal year (ending September 30, 2012 and on the basis of which taxes became due and payable on October 1, 2021).

(2) The total indebtedness of the Municipality chargeable against the debt limitation for the Municipality prescribed by Amendment No. 772(a)(4) (which indebtedness does include the obligations of the City under the Special Project Development Agreement – Phase 2), is not more than fifty percent of the assessed valuation of the taxable property in the Municipality for the preceding fiscal year (ending September 30, 2020 and on the basis of which taxes became due and payable on October 1, 2021).

Section 2. The Council does hereby approve, adopt, authorize, direct, ratify and confirm:

(a) the agreements, covenants, and undertakings of the Municipality set forth in the Special Economic Development Agreement, and

(b) the terms and provisions of the Special Economic Development Agreement, in substantially the form and of substantially the content as set forth as follows, with such changes thereto (by addition or deletion) as the Mayor shall approve, which approval shall not extend or increase the obligations of the municipality thereunder and shall be conclusively evidenced by execution and delivery of the Special Economic Development Agreement as hereinafter provided.

Section 3.

(a) The Mayor is hereby authorized and directed to execute and deliver the Special Economic Development Agreement for and on behalf of and in the name of the Municipality. The City Clerk is hereby authorized and directed to affix the official seal of the Municipality to the Special Economic Development Agreement and to attest the same.

(b) The Mayor, the City Manager, and the officers of the Municipality are each hereby authorized and directed to take all such actions, and execute, deliver and perform all such agreements, documents, instruments, notices, and petitions and proceedings, with respect to the Special Economic Development Agreement, as the Mayor and such officers shall determine to be necessary or desirable to carry out the provisions of this resolution or the Special Economic Development Agreement or duly and punctually observe and perform all agreements and obligations of the Municipality under the Special Economic Development Agreement.

Section 4. All prior actions taken, and agreements, documents or notices executed and delivered, by the Mayor or any officer or member of the Council or other representative of the Municipality, in connection with the agreements, covenants, and undertakings of the Municipality hereby approved, or in connection with the preparation of the Special Economic Development Agreement and the terms and provisions thereof, are hereby approved, ratified and confirmed.

Section 5. All ordinances, resolutions, orders, or parts of any thereof, of the Council in conflict, or inconsistent, with any provision of this resolution hereby are, to the extent of such conflict or inconsistency, repealed.

Section 6. This resolution shall take effect immediately.

PASSED AND ADOPTED on this the 7th day of July, 2020.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

Jack Draper, Mayor

Jay Jenkins, Councilmember

David Reddick, Councilmember

Ben Little, Councilmember

Millie Harris, Councilmember

Council Member Reddick made a motion for passage and adoption of Resolution 20-R-37. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Resolution 20-R-37 was passed and adopted.

There being no further business to come before the council at that time Mayor Draper made a motion the meeting be adjourned. The motion was seconded by Council Member Jenkins; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: The motion carried and the meeting was adjourned at approximately 6:18 o'clock p.m.